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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/389,826 09/03/99 SCHROEDER

H PHN-17.073

EXAMINER
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NADAV, O

ART UNIT	PAPER NUMBER
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2811

DATE MAILED: 06/14/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/389,826

Applicant(s)

Schroeder et al.

Examiner

ORI NADAV

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 2, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ker et al. (5,572,394).

Ker et al. teach in figure 9 a semiconductor device having an ESD protection means being an SCR and a gated electrode, provided in a surface area (P-SUBSTRATE) of a first conductivity type having a single well (N-WELL) of a second conductivity type, wherein a surface zone (P+) of the first conductivity type is forms a first anode and cathode area of the SCR element, the surface area has a surface zone (N+) of the second conductivity type, noted as a first zone, situated remotely from the well and forming a second anode and cathode area of the SCR element, the gated diode containing a gate insulated from the surface area and a highly doped (N+) second conductivity type surface zone aligned to the gate, noted as a second zone, which aligned surface zone partly overlaps the well of the second conductivity type, wherein the second zone stretches out only along a part of the periphery of the well, whereas

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the first zone is provided along at least another part of this periphery which is free from the second zone.

Regarding the claimed limitation of a single well, although figure 9 of Ker et al. shows three wells, figure 9 also depicts a single or one well. The claimed limitations do not include protection means consisting of a single well, or comprising of only a single or one well. Therefore, the broad recitation of the claim does not preclude the protection means from comprising more than one well. Thus, Ker et al.'s structure is considered to be at least obvious over the claimed structure.

Regarding claim 2, Ker et al. teach in figure 11 the gate of the gated electrode substantially stretches out only along the part of the periphery of the well along which also the second zone stretches out.

Regarding claim 3, the gated diode having a further surface zone (N+) of the second conductivity type deposited in the surface area of the first conductivity type and forming the other of the source/drain zones of the transistor, wherein the first zone being situated at a shorter lateral distance from the surface zone provided in the well than the further surface zone.

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Regarding claim 4, although Ker et al. do not explicitly disclose a further zone and a first zone form a second conductivity type zone this feature is inherent in Ker et al.'s device, because Ker et al.'s structure is identical to the claimed structure.

Regarding claim 5, the first and second conductivity types are p and n conductivity types, respectively, wherein the first zone and the first conductivity type zone in the well form the cathode and anode of the SCR element, respectively.

### ***Response to Arguments***

3. Applicant argues on page 4 that the construction of Ker et al.'s device is more costly and complicated than that of the claimed invention, because Ker et al.'s device comprises more than one well.

Cost and the process of forming the device are not the criteria for a device patentability. Ker et al.'s device includes all the claimed limitations, as recited in claims 1-5. A recitation of a single well does not preclude Ker et al.'s device from including more wells.

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***conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

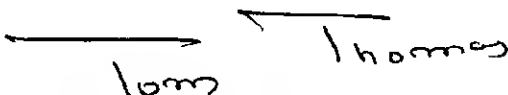
**Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG**

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**30 (November 15, 1989).** The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is (703) 308-8138. The Examiner is in the Office generally between the hours of 7 AM to 3 PM (Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is 308-0956

  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER

Ori Nadav, Ph.D.

June 7, 2001